

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-cv-11824-GAO

ROBERT A. KELLEY
Plaintiff,

v.

BANK OF AMERICA, N.A.
Defendant.

ORDER OF DISMISSAL
March 6, 2014

O'TOOLE, D.J.

The complaint in this action was filed by the plaintiff acting pro se. After the defendant moved to dismiss the complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), an attorney filed an appearance on the plaintiff's behalf and moved for an extension of time to file a response to the motion to dismiss, which request was granted. No response was thereafter filed, and more than a month has passed since the extended deadline.

After review of the defendant's motion and supporting briefing, the motion to dismiss (dkt. no. 16) is GRANTED, substantially for the reasons set forth in the defendant's memorandum. The earlier motion by the plaintiff for a preliminary injunction against a state court proceeding (dkt. no. 6) lacked merit and is now necessarily DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge